

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**SHAWN ETHERIDGE AND
MARY ETHERIDGE,**

Plaintiffs,

v.

STATE FARM LLOYDS

Defendant.

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CIVIL ACTION NO. _____

JURY DEMAND

DEFENDANT’S NOTICE OF REMOVAL

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant State Farm Lloyds (“State Farm”) files this Notice of Removal to the United States District Court for the Northern District of Texas, Fort Worth Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows:

I.

FACTUAL AND PROCEDURAL BACKGROUND

1.1 On October 20, 2015, Plaintiffs filed their Original Petition in the matter styled *Shawn Etheridge and Mary Etheridge v. State Farm Lloyds*, Cause No. C46772, in the 29th Judicial District Court of Palo Pinto County, Texas. The lawsuit arises out of a claim Plaintiffs made for damages to their property under an insurance policy issued by State Farm Lloyds.

1.2 Plaintiffs served State Farm with a copy of the Original Petition on or about October 21, 2015.

1.3 Defendant State Farm files this Notice of Removal within 30 days of receiving Plaintiffs’ pleading. *See* 28 U.S.C. §1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action. *See id.*

1.4 All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. §1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon the Plaintiffs. As required by 28 U.S.C. § 1446(a), and Rule 81.1 of the Local Rules for the United States District Court of the Northern District of Texas, being filed simultaneously with the filing of this Notice of Removal is an Index of State Court Documents, which is attached hereto as Exhibit “A.” A copy of the District Clerk’s Docket Book Report is attached hereto as Exhibit “B” and a copy of the District Clerk’s Docket Sheet is attached hereto as Exhibit “C.” A copy of the Civil Coversheet is attached hereto as Exhibit “D.” A copy of Plaintiffs’ Original Petition is attached hereto as Exhibit “E.” A copy of the Citation to State Farm is attached hereto as Exhibit “F” and a copy of Defendant State Farm Lloyds’ Original Answer is attached as Exhibit “G.”

1.5 Venue is proper in this Court under 28 U.S.C. §1441(a) because this district and division embrace Palo Pinto County, Texas, the place where the removed action has been pending and where the incident giving rise to this lawsuit took place.

II.

BASIS FOR REMOVAL

2.1 Removal is proper based on diversity of citizenship under 28 U.S.C. §§1332(a), 1441(a) and 1446.

A. The Parties Are Of Diverse Citizenship.

2.2 Plaintiffs are, and were at the time the lawsuit was filed, Texas residents who reside in Palo Pinto County, Texas. *See* Pls’ Original Pet. ¶ 3, attached hereto as Exhibit “E.”

2.3 Defendant State Farm Lloyds is, and was at the time the lawsuit was filed, a citizen of the State of Illinois. State Farm Lloyds is a “Lloyd’s Plan” organized under Chapter 941 of the Texas Insurance Code. It consists of an association of underwriters, each of whom, at

the time this action was commenced were, and still are, citizens and residents of the state of Illinois. Therefore, State Farm Lloyds is a citizen and resident of the state of Illinois for diversity purposes. *Royal Ins. Co. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5th Cir. 1993); *Massey v. State Farm Lloyd's Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998 (“the citizenship of State Farm Lloyds must be determined solely by the citizenship of its members, or underwriters.”); *Rappaport v. State Farm Lloyd's*, 1998 WL 249211 (N.D. Tex. 1998) (finding that State Farm Lloyd's is an unincorporated association whose members are completely diverse with Plaintiff, and denying remand).

2.4 Because Plaintiffs are citizens of Texas and Defendant State Farm is a citizen of Illinois, complete diversity of citizenship exists among the parties.

B. The Amount in Controversy Exceeds \$75,000.00.

2.5 This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiffs' Petition expressly alleges that “Plaintiff seeks monetary relief of over \$100,000, but not more than \$200,000.” *See* Exhibit E, ¶ 71. Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$75,000.00.

**III.
CONCLUSION & PRAYER**

All requirements are met for removal under 28 U.S.C. §§ 1332, 1441, and 1446. Accordingly, State Farm Lloyds hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

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**COUNSEL FOR DEFENDANT
STATE FARM LLOYDS**

CERTIFICATE OF SERVICE

This is to certify that on the 19th day of November, 2015, a true and correct copy of the foregoing was delivered to the following counsel of record by electronic service and/or facsimile transmission and/or certified mail, return receipt requested:

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/s/ Rhonda J. Thompson

Rhonda J. Thompson